

\* \* \* COMMUNICATION RESULT REPORT ( MAR. 5. 2002 3:03PM ) \* \* \*

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FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
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## FACSIMILE TRANSMISSION

Total # of Pages 8 (including this page)

TO:	PHONE #:	FAX #:
Ms. Joyce Riley United States Patent and Trademark Office	(703) 308-1202	(703) 308-7751

From : Bernard P. Friedrichsen  
 Email Address : Bfriedrichsen@foleylaw.com  
 Date : March 5, 2002  
 Client/Matter No : 032026-0594  
 User ID No : 1920

## FACSIMILE TRANSMISSION

Ms. Joyce Riley  
United States Patent and Trademark Office

**Re: U.S. Serial No.: 09/911,367**  
**Applicants: Clark R. Landis *et al.***  
**Docket No.: 032026-0594**  
**DIAZAPHOSPHACYCLES**

**Filed: July 23, 2001**  
**Group Art Unit: 1625**  
**Date: March 5, 2002**

Dear Ms. Riley:

We recently received the attached Notice of Incomplete Reply (Nonprovisional) with respect to the above-described United States patent application. The Notice of Incomplete Reply indicates that Applicants' reply to the Notice to File Missing Parts has been entered, but did not include the signature of one of the inventors, Jonathan S. Owen. Applicants submit that a complete reply to the Notice to File Missing Parts was filed on November 30, 2001.

Attached please find a copy of the return postcard filed on November 30, 2001 along with Applicants' response to the Notice to File Missing Parts. The OIPE stamped postcard shows that the filed response included each of the items necessary for responding to the Notice to File Missing Parts. Specifically, the return postcard indicates that Applicants included 2 signed Declaration and Power of Attorney forms in their response filed November 30, 2001. One of the signed Declaration and Power of Attorney forms included the signature of 3 of the 4 inventors (Clark R. Landis, Wiechang Jin, and Thomas P. Clark) and the other signed Declaration and Power of Attorney form included the signature of the fourth inventor, Jonathan S. Owen. A copy of the Declaration and Power of Attorney form that includes the signature of Jonathan S. Owen is attached to this facsimile.

Because Applicants completely and appropriately responded to the Notice to File Missing Parts, Applicants respectfully request that the Notice of Incomplete Reply be withdrawn. Applicants also respectfully request written confirmation that the response filed November 30, 2001 was complete and adequate in responding to the Notice to File Missing Parts dated September 26, 2001.

Respectfully submitted,



Bernard P. Friedrichsen, Reg. No. 44,689  
Attorney for Applicants

Foley & Lardner  
150 E. Gilman Street  
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



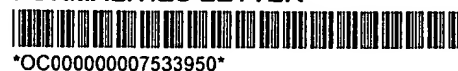
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,367	07/23/2001	Clark R. Landis	032026:0594

CONFIRMATION NO. 3382

## FORMALITIES LETTER



\*OC000000007533950\*

Foley & Lardner  
P.O. BOX 1497  
Madison, WI 53701-1497

Date Mailed: 02/26/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 01/11/2002 to the Notice to File Missing Parts (Notice) mailed 09/26/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Jonathan S. Owen*

*A copy of this notice MUST be returned with the reply.*

*Sadie Thuchum*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

DOCKETED

BY *Spd* DATE *3-05-02*

TICKLER

BY *Calh* DATE *3/5/02*

*Response to Notice of  
Incomplete Reply*

RECEIVED

MAR 4 2002

FOLEY & LARDNER  
MADISON, WI

✓

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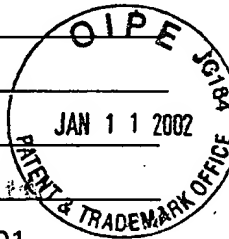
Serial No.: 09/911,367

Applicant(s): Landis, et al.

Filed: July 23, 2001

Title: DIAZAPHOSPHACYCLES

Date Mailed: November 30, 2001



- ☒ [ X ] Transmittal of Missing Parts of Patent Application (1 page) (duplicate)
- ☒ [ X ] ~~Copies~~ Two (2) Signed Declaration and Power of Attorney forms (4 pages each)
- ☒ [ X ] Copy of Notice to File Missing Parts (Part 2) (1 page)
- ☒ [ X ] Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (2 pages) (duplicate)
- ☒ [ X ] Check No. 614390; \$741.00
- ☒ [ X ] Check No. 614388; \$55.00

DOCKET NO.: 032026:0594

Atty.: BPF

*sjd*

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DIAZAPHOSPHACYCLES

(Attorney Docket No. 032026-0594)

the specification of which (check one)

       is attached hereto.

  X   was filed on July 23, 2001 as United States Application Number 09/911,367.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

SCOTT D. ANDERSON	Reg. No. 46,521
RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
EDWARD W. BROWN	Reg. No. 22,022
CHARLES G. CARTER	Reg. No. 35,093
ALISTAIR K. CHAN	Reg. No. 44,603
JOHN C. COOPER III	Reg. No. 26,416
JEFFREY N. COSTAKOS	Reg. No. 34,144

WILLIAM J. DICK	Reg. No. 22,205
HARRY C. ENGSTROM	Reg. No. 26,876
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BARRY L. GROSSMAN	Reg. No. 30,844
JEFFREY S. GUNDERSEN	Reg. No. 47,619
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TODD A. RATHE	Reg. No. 38,276
M. REED STAHEL	Reg. No. 47,959
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Harry C. Engstrom  
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Telephone: (608) 258-4207  
Facsimile: (608) 258-4258

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

Clark R. Landis

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Citizenship

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Inventor's signature

Date

Name of second inventor

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Residence

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Citizenship

Korea

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Madison, Wisconsin 53705

Inventor's signature

Date

Name of third inventor

Jonathan S. Owen

Residence

Pasadena, California

Citizenship

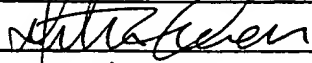
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Inventor's signature

Date

  
11/19/01

Name of fourth inventor

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Citizenship

USA

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Madison, Wisconsin 53704

Inventor's signature

Date